

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-293-FDW

TERRELL BATTLE,)
)
Plaintiff,)
)
vs.)
)
)
FRANK PERRY, et al.,)
)
)
Defendants.)
)
_____)

ORDER

THIS MATTER is before the Court following Plaintiff's failure to comply with the Court's order dated October 28, 2016, in which the Court allowed Plaintiff twenty days in which to return summons forms to the Clerk for service of process on the remaining Defendants or to respond to the Court's order showing cause for why he has not yet returned the summons forms. See (Doc. No. 10). The Court expressly warned Plaintiff in its Order that if he failed to respond to the Court's Order this matter would be dismissed without prejudice and without further notice to Plaintiff. Plaintiff has wholly failed to respond to the Court's order, and the time to do so has passed.

IT IS, THEREFORE, ORDERED that:

- (1) This action is dismissed without prejudice for Plaintiff's failure to respond to this Court's order dated October 28, 2016.
- (2) The Clerk of this Court is directed to terminate this action.

Signed: January 11, 2017



Frank D. Whitney
Chief United States District Judge

